

COURT MINUTES OF REVOCATION HEARING

UNITED STATES of AMERICA,

v.

CASE NO. 12-CR-242-2-JPS

JAMES E. WARREN.

HON. J. P. STADTMUELLER PRESIDING

DATE: December 7, 2018

TIME SCHEDULED: 10:30 a.m.

COURT DEPUTY/CLERK: Nathan Bader

TIME CALLED: 10:29 a.m.

COURT REPORTER: John Schindhelm

TIME FINISHED: 10:59 a.m.

GOVERNMENT BY: William Lipscomb

DEFENDANT BY: Gabriela Leija

PROBATION BY: Kristina Wergin

Notes:

10:29 Appearances;

10:29 Court asks Defendant whether he is ready to proceed with his current counsel, Defendant states that he is ready to proceed

10:30 Court puts background of case on record

10:31 Defendant denies violations 2 and 3, and admits violations 1, 4, 5, 6, and 7

10:32 Government desires to proceed on admitted violations and will pursue others via a new prosecution

10:32 Defendant asks Court to proceed on the admitted violations

10:33 Court accepts parties' stipulation and will proceed on admitted violations

10:33 Court notes applicable Guidelines:

Highest Grade of Violations: B

Criminal History Category: III

8–14 months' imprisonment

1 to 3 years' supervised release, less any period of incarceration imposed upon revocation

Unsatisfied Conditions of Original Sentence: Cognitive Intervention Program

10:33 Parties accept these Guidelines; Court adopts

10:35 Government makes a statement; recommends sentence of 9-12 months' imprisonment, with no further term of supervised release to follow

10:40 Defendant's attorney makes a statement on his behalf; recommends sentence of 8 months' imprisonment

10:45 Defendant makes a statement on his behalf

10:46 Court and parties discuss potential credit towards federal sentence based on state term of imprisonment

10:50 Court comments on the facts of the case and an appropriate sentence

10:56 Court imposes the following formal sentence:
9 months of imprisonment as to Count Three of the Second Superseding Indictment
No further term of supervised release to follow
Recommend placement most near the Eastern District of Wisconsin

10:57 Court advises Defendant of his right of appeal

10:59 Court denies as moot Defendant's attorney's

10:59 Parties have nothing further to address

10:59 Court stands in recess

FORMAL SENTENCE

Custody of Bureau of Prisons

9 months as to Count Three of the Second
Superseding Indictment

Supervised Release / Probation

None

Fine

Terms: N/A

- ☐ Fine waived due to Defendant's inability to pay
- ☐ Interest on fine is waived
- ☐ Defendant to participate in FBP Inmates' Financial Responsibility Program
- ☐ Payments to apply to special assessment, then fine or restitution (if applicable)
- ☐ Court imposes costs of incarceration, community confinement, and supervision

Restitution

Terms: N/A

Payee(s):

Special Terms of Payment:

Conditions of Supervised Release

Terms: None

Special Assessment

Terms: N/A

- ☐ To be paid immediately to the Clerk of the Court, Room 362
- ☐ To be paid prior to the expiration of this sentence
- ☐ Other:

Forfeiture

Terms: N/A

Custody Status

- ☒ Defendant remanded to custody of U.S. Marshal
- ☐ Execution of sentence stayed until ____
- ☐ Defendant shall voluntarily surrender to institution on or after September 25, 2018
- ☐ Defendant's bond continued until he/she reports
- ☒ Defendant advised of right of appeal
- ☒ Recommendations for BOP: placement most near WIED

Other

- ☐ Upon motion of the government, Count X be and the same is/are hereby DISMISSED
- ☐ Court orders that drug testing requirements be and the same are hereby WAIVED

STATEMENT OF REASONS

- ☐ The Court adopts the factual findings and Guideline application in the presentence report
or
- ☒ The Court adopts the factual findings and Guideline application in the presentence report
except as noted at sentencing

Guideline Range Determined by the Court:

Highest Grade Violation:	B
Criminal History Category:	III
Imprisonment Range:	8–14 months
Supervised Release Range:	1 to 3 years, less any term of imprisonment imposed upon revocation
Unsatisfied Conditions:	Cognitive Intervention Program

- ☐ Fine is waived or is below the Guideline range because of Defendant's inability to pay
- ☐ Full restitution is not ordered for the following reasons:

- ☒ The sentence is within the Guideline range, that range does not exceed 24 months, and the
Court finds no reason to depart from the sentence called for by application of the Guidelines
or
- ☐ The sentence is within the Guideline range, that range exceeds 24 months, and the sentence is
imposed for the following reasons:
or
- ☐ The sentence departs from the Guideline range for the reasons set forth at sentencing